

UNITED STATES OF AMERICA, )  
)  
Movant, )  
)  
v. )  
)  
AVERY L. SNELLING, )  
)  
Defendant. )

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**FINDING DEFENDANT INCOMPETENT AND COMMITTING DEFENDANT TO THE**  
**CUSTODY OF THE ATTORNEY GENERAL**

On February 9, 2010, the Honorable Robert E. Larsen, United States Magistrate Judge for the Western District of Missouri, issued his Report and Recommendation recommending that the Court find Defendant incompetent to stand trial and assist in his defense and commit Defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d). Neither party filed objections to the Report and Recommendation, and the time for doing so has passed. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). The Court agrees with the Report's conclusion that Defendant is not competent to stand trial and assist in his defense. Judge Larsen's Report and Recommendation (Doc. 85) is adopted as the Order of the Court. Defendant is found to be incompetent to stand trial and assist in his defense, and Defendant is committed to the custody of the Attorney General for hospitalization and treatment.

IT IS SO ORDERED.

DATE: February 25, 2010

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, JUDGE  
UNITED STATES DISTRICT COURT